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**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MGE/168432

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 01, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on November 19, 2015 via telephone.

The issue for determination is whether the agency properly denied coverage of non-emergency medical transportation (NEMT).

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

;

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: No appearance

Division of Health Care Access and Accountability  
Madison, WI

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Waupaca County. He became Medicaid eligible as of June 1, 2015.
2. Petitioner filed this appeal with the Division of Hearings and Appeals to contest the denial of payment for transportation expenses.
3. A hearing was scheduled for October 1, 2015 but not held as Petitioner submitted a written withdrawal. The withdrawal was submitted as Petitioner believed that the matter had been

resolved and the transportation would be covered. He subsequently learned that only 1 day of transportation had been paid for (June 29, 2015 – a Monday) and he requested a rehearing. That request was granted.

4. Petitioner has a recurring appointment with the same provider 3 days per week at [REDACTED] in Appleton. The appointments are on the same days – Monday, Tuesday and Thursday. The dates denied as noted in the appeal were June 1, 4, 8, 9, 11, 15, 22, 23 and 30 (all Mondays, Tuesdays and Thursdays). Petitioner received denials for June 3, June 10 and June 17 but does not contest those as he did not make trips to [REDACTED] on those days – they are all Wednesdays.

### **DISCUSSION**

Non-emergency medical transportation (NEMT) is a covered service for MA recipients who are unable to provide their own transportation based on their medical needs. Wis. Admin. Code § 107.23. Effective August 1, 2013, Medical Transportation Management (MTM) became the contracted non-emergency medical transportation manager for the Department of Health Services.

In June, 2013, ForwardHealth Update No. 2013-32 was issued to members with information about MTM and non-emergency medical transportation. The Update notes the following:

“As the DHS transportation manager, MTM arranges and pays for rides to covered MA services for members who have no other way to receive a ride. Rides can include public transportation, rides in specialized medical vehicles or rides in other types of vehicles depending on a member’s medical and transportation needs. . .”

There was no appearance by an agency representative here so the only information as to why reimbursement for mileage was denied comes from a short summary submitted by an unknown author through the Department/Division of Hearings and Appeals ‘tracker’ and it states that Petitioner did not request reimbursement prior to each trip and that trip numbers were missing on the trip logs.

Petitioner and/or his mother (she works for the county agency, was an economic support specialist and now works on elderly issues so has familiarity with economic support and Medicaid matters) contacted MTM and explained that the trip was for a recurring appointment. They were given a trip number for each day of the week and were told to use those daily numbers for the same day of the week in subsequent weeks. It was also their understanding that the request for reimbursement did not have to be made for each trip where it was a recurring appointment. Finally, Petitioner received denials for some trips on Wednesdays. He does not contest those denials as he did not make the trip on Wednesdays.

Without an adequate explanation for the denial and, given the reimbursement for one date of service in a recurring appointment schedule, I am concluding that Petitioner should be reimbursed for mileage for the other trips noted at Finding # 4 made on Mondays, Tuesdays and Thursdays.

### **CONCLUSIONS OF LAW**

That the agency did not correctly deny reimbursement for Petitioner’s mileage reimbursement.

**THEREFORE, it is**

### **ORDERED**

That this matter is remanded to the agency with instructions to take all administrative steps necessary to reimburse the Petitioner for mileage reimbursement claims for the Monday, Tuesday and Thursday dates noted at Finding # 4. This action shall be completed within 10 days of the date of this decision.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 11th day of December, 2015

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on December 11, 2015.

Division of Health Care Access and Accountability  
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